United States

Department of the Interior

Bureau of Land Management

Miles City Field Office

Lone Tree Pits
(First, Blackfoot, South & Windy

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0008-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	**DOI-BLM-MT-C020-2013-0008-EA**
	DATE POSTED: 10/17/2012
NAME: Lone Tree Pits (First, Blackfoot, South and Windy)	**DATE DUE:** 12/15/2012
	FUNDING: 8100
LOCATION: Carter County T2S, R58E: Sections 9-11 (See Attached Map)	

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Matt Lewin	Rangeland Management Specialist	All

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	10/23/12 BJB
CJ Truesdale	Archeologist	Cultural / Paleontological Resources	CJ 12/14/2012 MT-020-13-10
Curt Kunugi	Civil Engineer Tech.	Engineering	10/23/12 CAK
Reyer Rens	Supervisor Rangeland Management Specialist	Review	RR 12/17/2012

ENVIRONMENTAL COORDINATOR **12/20/2012 DATE**

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0008-EA	**RIPS#**	**GR#**
	015859	**3921**
	015858	**3921**
	015865	**3921**
	015904	**3929**

PROPOSED ACTION/TITLE TYPE: Lonetree Pits

LOCATION OF PROPOSED ACTION: Carter County
T2S, R58E: Sections 9-11
(See Attached Map)

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: 10/9/2012

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP Record of Decision ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 "guidelines are best management practices, treatments and techniques, and implementation of range improvements…"Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD, states "guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing."

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 10/24/2012, for public information requests. Internal scoping identified the issues below. No additional issues were brought forth by the public. Included visiting with the permittee.

ISSUES IDENTIFIED THROUGH SCOPING:

- *Cultural*:
  - Effects to cultural sites, paleontological localities, or sacred sites of interest to Tribes
- *Livestock Grazing*:
  - Effects to level of permitted use
- *Grazing Administration*:
  - Effects to livestock management on the allotment
- *Wildlife*:
  - Effects to habitats of game and nongame wildlife species
- *Vegetation*:
  - Effects to vegetative condition and meeting Standards for Rangeland Health

PURPOSE AND NEED: The purpose and need is to analyze the effects of providing new watering sources in key areas to maintain or improve the existing grazing systems that are functioning at this time and enhancing riparian/wildlife habitat on public land in Carter County. These projects would enable allotments to continue to meet Rangeland Health Standards and Guidelines.

PROPOSED ACTION: The proposed action is to design and construct four Flow Through Pits.

Flow Through Pits: The proposed action for First Pit, South Pit, Blackfoot pit, and Windy Pit is to design and construct a 100' X 150' X 14' pit with 4:1 up and down stream slopes, 2:1 side slopes. Material would be wasted off to the side and not used to hold water in the pit. The waste material would be landscaped to look like the surrounding area. There would be minimal shallow water storage created with these projects. Once construction is completed, disturbed areas would be revegetated with native plant species. The top soil would be stripped and stockpiled to the side with minimal visual impacts. Surface disturbance would be from light truck and heavy equipment accessing the project site and the actual construction of the pit. Heavy equipment involved would most likely be a rubber tired scraper and a push cat. In addition, heavy equipment (dozer and land scraper) would be traveling approximately a total of 1 mile off established two-track roads through existing surface disturbance to reach the construction site. Construction activities will not occur from March 1 to July 15; to mitigate for potential sage grouse activities (March 1 to June 15) and migratory bird nesting and brood rearing activities (April 15 to July 15).

ALTERNATIVE 1 - NO ACTION: The "no action" alternative would be to not construct the four pits in these allotments at the proposed locations. Grazing distribution and intensity would remain the same around current livestock water facilities and riparian areas. The livestock would continue to use the current livestock water facilities provided.

AFFECTED ENVIRONMENT:
The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	**Potentially Impacted**	**No Impact**	**Not Present On Site**
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian		X	
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species		X	
Environmental Justice			X

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment:

Cultural: The cultural environment of the Miles City Field Office as of May 2005 contained 7065 prehistoric and 2869 historic archeological sites as well as 1929 paleontological localities. Archeological sites occur in all counties encompassed by the field office; all but Roosevelt County contain paleontological localities (Aaberg et. al. 2006). Paleontological localities primarily occur within the Hell Creek and Fort Union geologic formations. 95% of all paleontological localities occur in Garfield, Carter, Dawson,

McCone, Powder River, and Treasure Counties.

The overall archeological site density of the Miles City Field Office (historic and prehistoric) is 1 site per 93 acres (Aaberg et. al. 2006). Prehistoric sites distribute at 1 site per 130.8 acres (4.9/sq. mile). Historic sites distribute at 1 site per 322 acres (2/sq. mile) for all surveyed acres within the Miles City Field Office. Archeological sites within Carter County contain 7% of all recorded prehistoric sites and 15% of all historic sites within the Miles City Field Office (Aaberg et. al. 2006).

The Class III cultural inventory of 30 acre centered on the proposed Windy, South and North pits did not result in the recording of any new cultural sites. There was one isolate recorded during inventory of the Windy pit. The isolate is a single tertiary flake end-scraper. The Blackfoot pit location met waiver of inventory criteria H8110-1, Section II, C.2.

Livestock Grazing: The Blackfoot Allotment #10672 consists of approximately 1,425 public land acres with 322 active animal unit months. The allotment is managed under a three pasture deferred grazing system. The Allotment Management Plan (AMP) was established in 2004. Cattle are permitted to graze during the June 1 – September 9 grazing season.

The Drop Dam Allotment #00572 consists of approximately 630 public acres with 131 public AUMs. The allotment is managed as a one pasture system with two treatments. Odd year's cattle graze June 1 – July 16, even years August 16 – September 30. The Allotment Management Plan (AMP) was established in 2003.

Visual Resource Management (VRM): First, Blackfoot, South, and Windy pits are located within a VRM Class IV. The objective of this class is to provide for management activities which require major modification of the existing landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

Soils: Soils in this area have developed in residuum and alluvium derived from the Cretaceous Pierre Shale which consists of black to gray shale with thin strata of claystone, siltstone and bentonite. As a result, soil surface and subsurface textures are commonly clay, silty clay loam, and clay loam. The characteristic of the marine shale parent material dominates physical and chemical characteristics of the soils. Soluble salts, predominately sodium, are present in most soils of the area. Slope wash concentrates these salts in the lowest parts of the landscape, usually in or near drainages. Concentration of salts may result in a claypan area. Salts in these areas will effect vegetation populations in areas of concentration. Surface crusting on these soils further affects seedling growth. Topography is commonly gently rolling. These soils are susceptible to water erosion due to poor infiltration. Limited vegetative cover may result in wind erosion. Reduction of vegetative cover will result in increased wind and water erosion. Soil erosion results in increased suspended and dissolved solids and salt content of streams, damaging water quality. Slopes range up to 25 percent, but commonly average around 8 percent. Near drainages, slopes may be less than two percent. Upland soils are commonly shallow on summits and soil depths increase down slope to deep and very deep on the alluvial fans and flats.

Vegetation: The overall vegetation found within the proposed project areas consists of grass, forb, and shrub species found within the Northern mixed grass prairies. The dominant grass species found on the allotments are crested wheatgrass, western wheatgrass, thickspike wheatgrass, Sandberg's bluegrass, prairie junegrass, blue gramma grass, Japanese brome and greenneedle grass. Dominant shrub species include Wyoming big sagebrush, greasewood, and saltbrush. There are a variety of forbs present depending on

spring moisture. Adequate litter is present and consists of desirable species. No special status species have been located in the immediate project areas. Both allotments have met and passed Standard and Guideline Assessments. All allotments are in good condition.

Wildlife: The project areas provide habitat for game species including mule deer, pronghorn, waterfowl, and sage grouse. Non-game wildlife includes a variety of raptors, songbirds, shorebirds, small mammals, and others. This area provides winter range habitat for both mule deer and pronghorn. All projects are located within preliminary priority sage grouse habitat as identified by WO-IM-043. There are no known sage grouse leks within the allotments. However, there are three leks within two miles of the allotments. . Sage grouse would be expected to utilize these allotments at least seasonally. In addition, several "unknown" status raptor nests are located in the area. No wildlife species listed as threatened or endangered occupy habitat in the region.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: No impacts to cultural resources through the proposed action.

Livestock Grazing: The installation of these pit projects would maintain livestock management/distribution on each of these allotments. The new water sources would improve current water sources in close proximity to the proposed projects that have fulfilled their lifespan. The projects implementation would not adjust the livestock numbers and season of use, but assist the allotments grazing strategies in meeting resource objectives and standards for rangeland health.

Visual Resource Management (VRM): Vegetation around the pit projects would recover within one to two growing seasons. Until then there may be short term detraction for the existing landscape. Long term effects of the project would not change the characteristic of the landscape.

Soils: Mixing of soil horizons would occur during construction of the pipeline. Mixing may affect productivity of surface flora and effect subsurface flora and fauna. Compaction of adjacent soils would occur due to equipment operation. Compaction may affect soil productivity until released due to natural means such as freeze – thaw cycles. Soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction and productivity should return to natural conditions. Earth disturbing activities have the potential to result in the invasion of noxious weeds, but all areas would be monitored closely.

Vegetation: Localized vegetative disturbance would occur around the pit sites; however this impact would heal itself and become less evident with time, usually within 1 to 2 growing seasons. Local vegetative plant communities should maintain their current complexes. The improved distribution pattern should allow for an increase in palatable plant species, and assist in maintaining a static or upward trend for the allotments. Having more dependable water would also allow the permittee the ability to rest and rotate pastures thus adding in improving riparian health. There are no noxious weeds located in the project areas. Improved livestock distribution would increase the overall amount of litter left at the end of the grazing season thus improving soil productivity.

Wildlife: During construction, wildlife in the area would be temporarily displaced; however, these species will most likely return shortly after the construction activity concluded. The excavation and construction process may eliminate some slow-moving, burrowing, or ground nesting animals. As stated, a timing

restriction from March 1 to July 15 would be applied to protect bird nesting activities. It is expected that the majority of nesting activities would be completed by July 15; however, the potential still exists for late nests or re-nesting activity after this timeframe. If this occurs, ground nesting migratory bird nests, eggs, or chicks may be lost if nesting within the area of proposed disturbance.

Some sagebrush may be destroyed in the process of pit construction; however, the area disturbed would be minimal. The pits would provide additional water sources within the region, benefiting some wildlife species. However, if shallow water and emergent vegetation results from these additional water sources, the potential for West Nile Virus (WNv) is likely to increase. Conversely, shallow water and emergent vegetation would provide habitat for migrating waterfowl and other water birds.

The construction of new water sources would create a shift in livestock utilization within the affected pastures. Additional utilization would occur on vegetative habitats within these areas, while less utilization is expected adjacent to the existing water sources. Generally, habitat conditions should improve near those existing water sources, and less residual vegetation would be expected adjacent to the new sources.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Cultural: No impacts to cultural resources through the proposed action.

Livestock Grazing: Livestock grazing would continue as usual without dependable water for some allotments and pastures. Current livestock water sources would continue to age and lose reliability. Once these water sources are defunct, grazing management would need to be adjusted to meet the wildlife and domestic livestock water needs. Management flexibility would be maintained at the current level for now and decrease over time. Areas adjacent to the existing water sources would be utilized at the current degree, being heavy in some instances, increasing over time.

Vegetation: Current utilization of vegetation will remain the same; over utilized around current existing livestock water facilities, and underutilized in areas 2-3 miles from water. Trend of the allotment will remain the same or decline with current livestock distribution patterns. Allotments with public and private riparian resources will continue to see steady to heavy use in these areas.

Wildlife: The condition of riparian and upland habitats would remain unchanged. The potential for harboring and spreading WNV would not increase and the incidental take of ground nesting songbirds and other animals would not occur.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

STIPULATIONS:

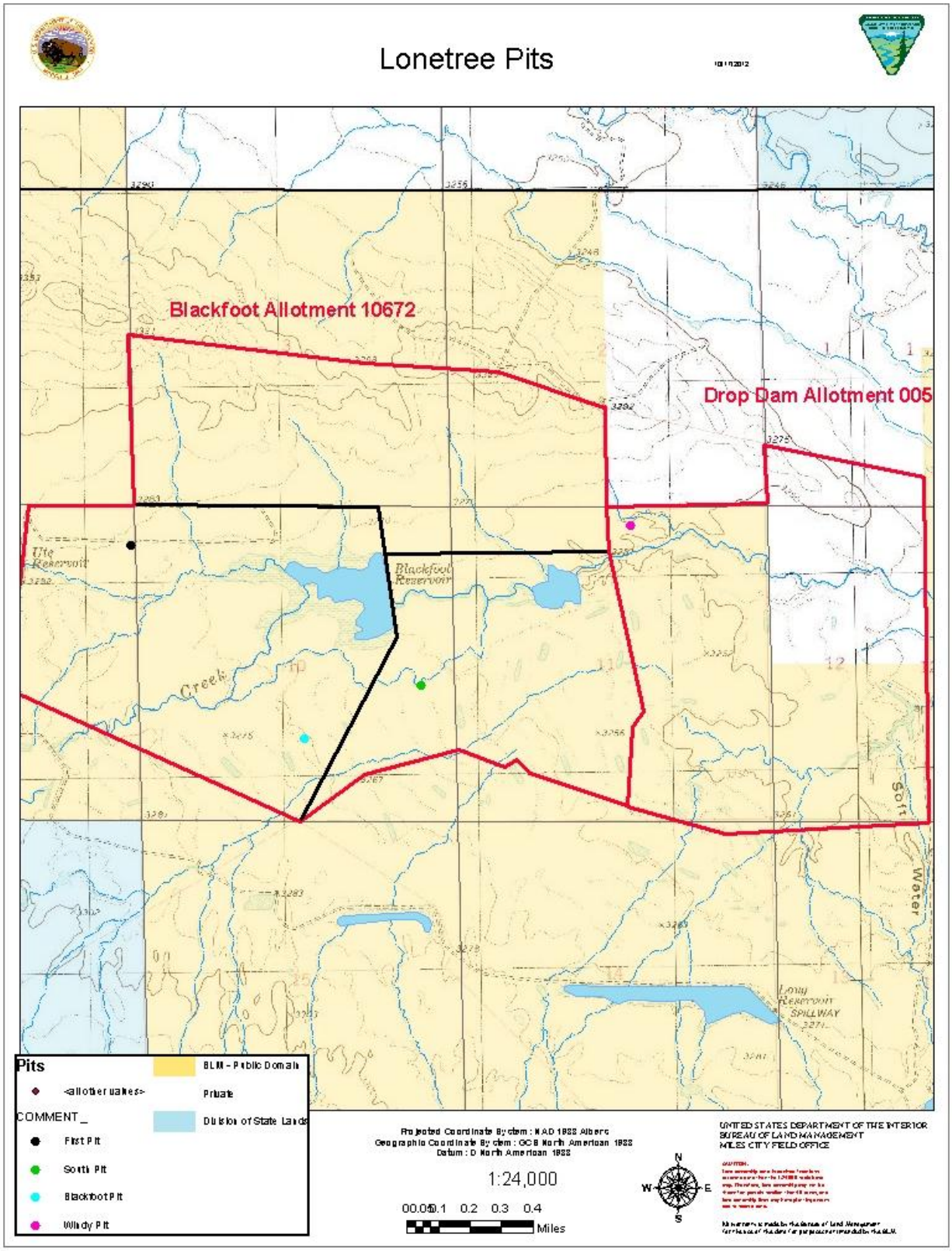
Cultural: The operator and/or contractor shall immediately contact the Miles City BLM Field Manager in the event that any antiquities or other items of cultural or scientific interest, including, but not limited to historic or prehistoric ruins, fossils, artifacts or burials, are discovered as a result of the project operations.

Such discoveries shall be left intact until written authorization to proceed is issued by the Miles City BLM Field Manager.

Noxious Weeds/Invasive Species: All vehicles and equipment used in conjunction with the construction activities will be cleaned of all vegetation, plant parts and soil prior to entering BLM lands.

CONSULTATION/COORDINATION: Allotment Permittees

LIST OF PREPARERS:
Matt Lewin, Rangeland Management Specialist
CJ Truesdale, Archaeologist
Curt Kunugi, Civil Engineer Technician,
Kathy Bockness, Environmental Coordinator,
Bobby Baker, Wildlife Biologist
Reyer Rens, Supervisory Rangeland Management Specialist


Lonetree Pits
Blackfoot Allotment 10672
Drop Dam Allotment 005
Ute Reservoir
Blackfoot Reservoir
Creek
Low Reservoir SPILLWAY
Pits
<all other values>
COMMENT _
First Pit
South Pit
Blackfoot Pit
Windy Pit
BLM - Public Domain
Private
Division of State Lands
Projected Coordinate System : NAD 1983 Albers
Geographic Coordinate System : GCS North American 1983
Datum : D North American 1983
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MILES CITY FIELD OFFICE

UNITED STATES

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT

Lonetree Pits
DOI-BLM-MT-C020-2013-0008-EA

BACKGROUND

The origin of the EA is from several requests from public land permittees wanting to establish livestock water pits in the allotment. The current watering locations in the pastures of these allotments are not adequate to maintain or improve the existing grazing systems that are functioning at this time and enhancing riparian/wildlife habitat on public land in Carter County.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2012-0008-EA), and all other information available to me, it is my determination that:

(1) The implementation of the Proposed Action or alternatives with the identified cultural resources mitigation will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan,

(2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan; and

(3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action would occur in the following allotments; Blackfoot and Drop Dam designated as available for livestock grazing in the Powder River RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed actions are in accordance with the Powder River RMP. The proposed action is a site-specific action directly involving approximately 10 acres of land administered by the BLM per individual pit, which by itself does not have international, national, regional, or state-wide importance.

The proposed action is to design and construct four Flow Trough Pits.

Flow Trough Pits: The proposed action for First Pit, South Pit, Blackfoot pit, and Windy Pit is to design

and construct a 100' X 150' X 14' pit with 4:1 up and down stream slopes, 2:1 side slopes. Material would be wasted off to the side and not used to hold water in the pit. The waste material would be landscaped to look like the surrounding area. There would be minimal shallow water storage created with these projects. Once construction is completed, disturbed areas would be revegetated with native plant species. The top soil would be stripped and stockpiled to the side with minimal visual impacts. Surface disturbance would be from light truck and heavy equipment accessing the project site and the actual construction of the pit. Heavy equipment involved would most likely be a rubber tired scraper and a push cat. In addition, heavy equipment (dozer and land scraper) would be traveling approximately a total of 1 mile off established two-track roads to reach the construction site. Construction activities will not occur from March 1 to July 15; to mitigate for potential sharp-tailed grouse activities (March 1 to June 15) and migratory bird nesting and brood rearing activities (April 15 to July 15).

Intensity
I have considered the potential intensity/severity of the impacts anticipated from the First Pit, Blackfoot Pit, South Pit, and Windy Pit decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse. The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Powder River RMP**.**

2. The degree to which the proposed action affects public health and safety. No aspect of the proposed action would have an effect on public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known historic or cultural resource sites that would be affected by the proposed action. The class III cultural resource inventory did not identify any cultural resources. MT-020-13-10.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects of the actions planned under the Proposed Action or alternatives are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered. Rangeland Improvements have been pursued and accomplished for many years in the various vegetation types of the RMP.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended. Additionally, rangeland improvements within grazing allotments are expected activities within the RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those

already analyzed in the EISs which accompanied the Powder River RMP, as amended.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources (EA, page3).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no threatened or endangered species or habitat in the area of the proposed action. There are no threatened or endangered plant species or habitat in the area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.

1/08/2013

Todd D. Yeager
Field Manager
Miles City Field Office

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION

Lonetree Pits
DOI-BLM-MT-C020-2013-0008-EA

DECISION

It is my decision to select the Proposed Action Alternative with the applied stipulations as described in the Lonetree Pits EA. The EA and the FONSI analyzed the selected alternative, with the identified mitigation, and found no significant impacts. Implementation of this decision will result in a range funded project, including the construction of First Pit, Blackfoot Pit, South Pit in the Blackfoot Allotment #10672 and Windy Pit in the Drop Dam Allotment #00572. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan.

ALTERNATIVES

In addition to the selected alternative, the EA considered a "No Action" alternative (Alternative 1) that would carry out no management activities at this time.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water and give the permittees the ability to rotate and rest pastures more effectively.

CONSULTATION AND COORDINATION

The permittees of the involved allotments were consulted with. The Lonetree Pits 2012 EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

The Lonetree Pits FONSI and Decision Record are approved; the BLM would be authorized to proceed with the project.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:
http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf
Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager
Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

1) The relative harm to the parties if the stay is granted or denied.
2) The likelihood of the appellant's success on the merits
3) The likelihood of immediate and irreparable harm if the stay is not granted, and
4) Whether the public interest favors granting the stay.

1/08/2013

Todd D. Yeager
Field Manager
Miles City Field Office

Date